



**Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbalà
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Lawrence B. Bugaisky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Heidi L. Kraus
Edward W. Yee
Albert I. Ferro*
Donald R. Banowitz
Peter A. Jackman
Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Albert J. Fasulo II*
Eldora Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaston

Kimberly N. Reddick
Theodore A. Wood
Elizabeth J. Haanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhulier
Rae Lynn Prengaman
Jane Shershenovich*
Lawrence J. Carroll*
George S. Bardmesser
Daniel A. Klein*
Rodney G. Maze
Jason D. Eisenberg
Michael A. Specht*
Andrea J. Kamage
Tracy L. Muller
Jon E. Wright

LuAnne M. Yuricek*
Registered Patent Agents*
Karen R. Markowicz
Nancy J. Leith
Ann E. Summerfield
Helene C. Carlson
Gaby L. Longsworth
Matthew J. Dowd
Aaron L. Schwartz
Angelique G. Uy
Mary B. Tung
Katrina Y. Pei
Bryan L. Skelton
Robert A. Schwartzman
John J. Figueroa
Timothy A. Doyle
Jennifer R. Mahalingappa

Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford

Of Counsel
Kenneth C. Bass III
Lisa A. Dunner
Evan R. Smith

*Admitted only in Maryland
*Admitted only in Virginia
•Practice Limited to
Federal Agencies

May 30, 2003

WRITER'S DIRECT NUMBER:
(202) 772-8834

INTERNET ADDRESS:
BHAANES@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1646

Re: U.S. Utility Patent Application
Appl. No. 10/005,842; Filed: December 7, 2001
For: **Death Domain Containing Receptor 5**
Inventors: NI *et al.*
Our Ref: 1488.1310000A/EKS/EJH/SJE

RECEIVED
JUN 04 2003
TECH CENTER 1600/2900

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Third Supplemental Information Disclosure Statement;
2. Form PTO-1449 listing the eleven (11) cited documents;
3. Copies of the eleven (11) cited documents; and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
May 30, 2003
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Elizabeth J. Haanes". The signature is fluid and cursive, with the first name "Elizabeth" and last name "Haanes" clearly distinguishable.

Elizabeth J. Haanes, Ph.D.
Attorney for Applicants
Registration No. 42,613

EKS/EJH/SJE:krh

Enclosures

SKGF_DC1:139513.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUN 04 2003

TECH CENTER 1600/2900

In re application of:

NI *et al.*

Appl. No. 10/005,842

Filed: December 7, 2001

For: **Death Domain Containing
Receptor 5**

Confirmation No. 4105

Art Unit: 1646

Examiner: Kaufman, Claire M.

Atty. Docket: 1488.131000A/EKS/EJH/SJE

Third Supplemental Information Disclosure Statement

Director of the United States
Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on December 11, 2002, in connection with the above-captioned application. A copy of each document is also provided.

Applicants wish to direct the Examiner's attention to the following documents:

Statement of Grounds and Particulars filed in opposition to Human Genome Sciences, Inc., Australian Patent Application 747635 (67635/98) by Genentech, Inc; and

Statutory Declaration of Avi Ashkenazi, signed March 14, 2003, with Exhibits AJA1 to AJA3, AJA5, and AJA7 to AJA10.

Exhibit AJA-4 was submitted previously as AO3 in Applicants Second Supplemental Information Disclosure Statement, filed on December 11, 2002. Exhibit AJA-6 was submitted previously as AT3 in Applicants First Information Disclosure Statement, filed on January 17, 2002. The above-listed documents were brought to the attention of the Applicants in connection with an opposition to an Australian application that essentially corresponds to the U.S. priority application in this case. A copy of the above-listed documents, exclusive of documents cited in previous Information Disclosure Statements, are enclosed and are listed on the accompanying form PTO-1449.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

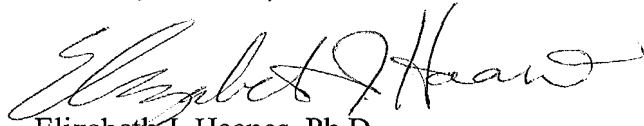
Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Third Supplemental Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Elizabeth J. Haanes, Ph.D.

Attorney for Applicants

Registration No. 42,613

Date:

May 30, 2003

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



FORM PTO-1449

THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1488.131000A/EKS/EJH/SJEAPPLICATION NO.
10/005,842APPLICANT
NI *et al.*FILING DATE
December 7, 2001GROUP
1646**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA 2	6,569,642 B1	05/27/ 2003	Rauch <i>et al.</i>	435	69.1	03/27/2000
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

RECEIVED

JUN 04 2003

TECH CENTER 1600/2900

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT	11	Brojatsch, J., <i>et al.</i> , "CAR1, a TNFR-Related Protein, Is a Cellular Receptor for Cytopathic Avian Leukosis-Sarcoma Viruses and Mediates Apoptosis," <i>Cell</i> 87:845-855, Cell Press (November 1996)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449

THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1488.131000A/EKS/EJH/SJEAPPLICATION NO.
10/005,842APPLICANT
NI *et al.*FILING DATE
December 7, 2001GROUP
1646

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

RECEIVED

JUN 04 2003

TECH CENTER 1600/2900

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

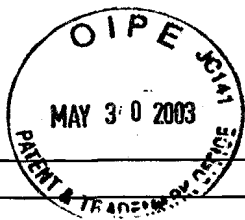
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>12</u>	Chapman, B.S., "A region of the 75 kDa neurotrophin receptor homologous to the death domains of TNFR-I and Fas," <i>FEBS Lett.</i> 374:216-220, Elsevier (1995)
	AS	<u>12</u>	Rabizadeh, S., <i>et al.</i> , "Induction of Apoptosis by the Low-Affinity NGF Receptor," <i>Science</i> 261:345-348, American Association for the Advancement of Science (1993)
	AT	<u>12</u>	Tartaglia, L.A., <i>et al.</i> , "A Novel Domain within the 55 kd TNF Receptor Signals Cell Death," <i>Cell</i> 74:845-853, Cell Press (1993)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449

THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1488.131000A/EKS/EJH/SJEAPPLICATION NO.
10/005,842APPLICANT
NI *et al.*FILING DATE
December 7, 2001GROUP
1646

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

RECEIVED
JUN 04 2003
TECH CENTER 1600/2900

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	13	Statutory Declaration of Avi J. Ashkenazi, signed March 14, 200356
	AS	13	Curriculum vitae of Avi Ashkenazi
	AT	13	Copy of provisional U.S. application 60/040,846, inventor NI <i>et al.</i> , filed March 17, 1997

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449

THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1488.131000A/EKS/EJH/SJEAPPLICATION NO.
10/005,842APPLICANT
Ni *et al.*FILING DATE
December 7, 2001GROUP
1646

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

RECEIVED

JUN 04 2003

TECH CENTER 1600/2900

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>14</u>	Copy of provisional U.S. application 60/054,021, inventor Ni <i>et al.</i> , filed July 29, 1997
	AS	<u>14</u>	Copy of U.S. application 08/857,216, inventor Ashkenazi, filed May 15, 1997
	AT	<u>14</u>	Statement of Grounds and Particulars filed in the opposition to Human Genome Sciences, Inc., Australian Patent Application 747635 (67635/98) by Genentech, Inc.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.